

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	<u>ORDER DENYING UNSEALING</u>
v.	:	<u>REQUEST</u>
	:	
NORMAN SEABROOK, et al.,	:	16 Cr. 467 (AKH)
	:	
Defendants.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:


On February 10, 2022 I received a letter from Jonathan Dienst of WNBC, submitted to my Chambers via email, requesting that I unseal all materials that pertain to Deputy Mayor for Public Safety Phil Banks and constitute judicial records. The letter also requested that I lift the protective orders (ECF Nos. 23, 52, 53, 109) Judge Carter entered in the early stages of the case. For the reasons that follow, the requests are denied.

First, none of the specifically identified materials relate to Deputy Mayor Banks. The letter requests that I unseal certain documents placed under seal—ECF Nos. 25, 121, 139, and 217—that are not publicly available. ECF No. 25 is a temporary modification of bail conditions to allow travel; ECF Nos. 121 and 217 are immunity orders concerning the testimony of a witness; and ECF No. 139 is an order denying a request to issue a subpoena duces tecum. The NBC letter also identifies an unsealed order (ECF No. 324) which references a sealed court order and sealed submissions from the government. I have reviewed all the documents in question, and none contains any information concerning Mr. Banks. As such, the request to unseal these materials is denied.

Second, with respect to the protective orders Judge Carter entered, all of the protective orders in question govern treatment of discovery materials. As such, there is no right of public access to such discovery materials. *U.S. v. Smith*, 985 F.Supp.2d 506, 519 (S.D.N.Y. 2013) (“While protective orders related to judicial documents and criminal proceedings are subject to constitutional and common law scrutiny, protective orders related to discovery are not.”). Having reviewed the protective orders, I decline to disturb the previously entered orders and deny the request to lift or modify them.

SO ORDERED.

Dated: February 24, 2022
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge